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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,679	05/26/2000	Akihisa Yamazaki	0905-0236P-SP	9832

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EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 07/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/578,679

Applicant(s)

YAMAZAKI, AKIHISA

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 6 and 7 is/are allowed.
- 6) ☒ Claim(s) 5 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 5 and 8 rejected under 35 U.S.C. 102(e) as being anticipated by Kita (U. S. Patent Number 6,263,219<sup>3</sup>).

Regarding claims 5 and 8, Kita discloses essentially all the claimed invention as set forth in the instant application, further Kita discloses a incoming calling system. In addition Kita discloses a image processing unit capable of data communication with mobile telephone (21) and of image output (27) and mobile telephone being capable of communication with a communication apparatus via a network, a data receiving unit for receiving data which has been transmitted from communication apparatus, an incoming-image alert generating unit for issuing an incoming call alert when data that has been received as disclosed in abstract and exhibited in figure 1.

*Allowable Subject Matter*

1. Claims 1-4 are allowed.
2. The following is an examiner's statement of reasons for allowance.

Regarding *claim 1 and 4, 6, 7*, The prior art of record considered alone or in combination neither anticipates nor renders obvious a method of a data communication system comprising a mobile telephone capable of communicating with a communication apparatus via a network and an image processing unit capable of data communication with mobile telephone and of image output where mobile telephone includes a first data receiving unit a data transmitting unit and a incoming-voice alert generating unit for issuing an incoming-call alert when data that has been received by first data receiving unit represents voice data, and image processing unit includes a second data receiving unit an incoming-image alert generating unit for generating an incoming-call alert when data the has been received by second data receiving unit represents image data.

Regarding *claim 2*, The prior art of record considered alone or in combination neither anticipates nor renders obvious a method of a mobile telephone capable of communicating with a communication apparatus via a network with and image processing unit that is capable of outputting and image, comprising a data receiving unit, a data transmitting unit, and incoming-call alert generating unit for issuing a first incoming-call alert when data that has been received by data receiving unit represents voice data and a second incoming-call alert which is different from the first incoming-call alert.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Citation of Pertinent Art***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Koscal*** (U. S. Patent Number 6,327,476) discloses system and method for wireless voice and computer communications using a wireless link to public telephone network,

***Mannak*** (U. S. Patent Number 6,169,908) discloses telecommunication system;

***Sato*** (U. S. Patent application Publication 2001/0004598) discloses radio communication system portable cellular phone set and termination response method used therefore;

***Takahashi*** (U. S. Patent application Publication 2002/0037743) discloses communication device, imaging device, communication method and recording medium storing program to execute communication method in computer readable state;

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-6306 for regular communications and (703)308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

S. Smith  
June 28, 2002

  
EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600